



**JUDICIAL INVESTIGATION COMMISSION**

City Center East - Suite 1200 A  
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Charleston, West Virginia 25304  
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August 27, 2020

Re: JIC Advisory Opinion 2020-19

Dear Judge :

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The facts giving rise to your question are as follows:

Several of your family members and you use a makeup brand that only can be purchased through an authorized representative. The representative has a private group on Facebook, of which you are all members, and she regularly has people from the group host online makeup parties. Only those people that are invited by the host may participate. The host receives awards in the form of in store credits or a percentage off the purchase of an item. The amount of the credit/percentage off are dependent on the amount of sales at the party. You want to know if it would be permissible for you to host a party where you only invited family members or close personal friends. You would not ask any lawyers or anyone who is likely to come before you in court to attend the event.

To address your question, the Commission has reviewed Rules 3.1 and 3.12 of the Code of Judicial Conduct which state:

**Rule 3.1 -- Extrajudicial Activities in General**

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;
- (D) engage in conduct that would appear to a reasonable person to be coercive; or
- (E) make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

**Rule 3.12 – Compensation for Extrajudicial Activities**

A judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other law unless such acceptance would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

Based upon the foregoing, the Commission is of the opinion that it is permissible for you to engage in this online activity as long as you only invite family members or close friends who would not cause you to be disqualified from any proceeding. It is hoped that this opinion fully addresses the issue raised by you. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,



Alan D. Moats, Chairperson  
Judicial Investigation Commission